

Message Text

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PAGE 01 SOFIA 02667 171209Z
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FM AMEMBASSY SOFIA
TO SECSTATE WASHDC 2138

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E.O. 11652: GDS
TAGS: PFOR, CGEN, BU
SUBJECT: DIVIDED FAMILY CASES: REQUEST FOR LEGAL OPINION

REF: SOFIA 2639

1. WE REPORTED PARAGRAPH 5 REFTEL, MFA CONSULAR DEPT'S
CONTENTION THAT BULGARIANS WHO ARE NATURALIZED AMCITS AND
WHO HAVE NOT FORMALLY RENOUNCED BULGARIAN CITIZENSHIP ARE
CONSIDERED TO REMAIN BULGARIAN CITIZENS WITH ALL RESPONSI-
BILITIES THAT IMPLIES, IN PRACTICAL TERMS RELATING TO
DIVIDED FAMILY CASES, THIS WOULD MEAN THAT ALMOST ALL
NATURALIZED AMCITS OF BULGARIAN EXTRACTION WOULD BE REQUIRED
TO PROCESS REQUESTS FOR REUNIFICATION WITH FAMILY MEMBERS
IN BULGARIA THROUGH BULGARIAN EMBASSY, WASHINGTON. MFA
STATED THAT EMBASSY AND USG CANNOT INTERCEDE
BETWEEN SPONSOR AND GOB. EMBASSY POINTED OUT THAT US LAW
REQUIRED EMBASSY PROCESSING FOR IMMIGRATION AND, AS SPONSORS
NOW AMCITS, REGARDLESS OF THEIR RELATIONSHIP WITH GOB, EMBASSY
HAS RIGHT OF REPRESENTATION ON THEIR BEHALF.

2. AFTER DISCUSSIONS WITH MFA, RESEARCH BY EMBASSY
UNCOVERED REFERENCE TO 1924 NATURALIZATION TREATY
BETWEEN US AND BULGARIA (43 STAT. 1759) IN "TREATIES IN
FORCE" AS OF JANUARY 1, 1975. EMBASSY READING OF TEXT OF
TREATY IN "TREATIES AND OTHER INTERNATIONAL AGREEMENTS OF
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PAGE 02 SOFIA 02667 171209Z

USA" APPEARS TO US TO MAKE GOB POSITION UNTENABLE. BOTH
COUNTRIES AGREE TO RECOGNIZE THE NATURALIZATION PROCESS
OF THE OTHER COUNTRY; AND, NATURALIZED AMCITS WHO ARE FORMER
CITIZENS OF BULGARIA UPON RETURNING TO BULGARIA ARE NOT
PUNISHABLE FOR THE ORIGINAL ACT OF EMIGRATION.

3. EMBASSY REQUESTS DEPT LEGAL OPINION ON THE QUESTION OF STATUS OF FORMER BULGARIAN CITIZENS WHO EMIGRATED ILLEGALLY FROM BULGARIA AND WHO ARE NOW NATURALIZED AMCITS. ALSO, WISH TO KNOW IF THERE ARE OTHER MULTILATERAL OR BILATERAL AGREEMENTS WITH BULGARIA WHICH HAVE BEARING ON THIS QUESTION OF DUAL NATIONALITY.

4. SOME SPONSORS IN DIVIDED FAMILY CASES ARE NOT YET AMCITS, BUT RESIDENT ALIENS. EMBASSY PRESUMES IN THESE CASES, TOO, REPRESENTATIONS CAN STILL BE MADE. NATURALLY, PROCESSING REQUIREMENTS UNDER US IMMIGRATION LAW NECESSARILY WOULD INVOLVE EMBASSY IN THESE CASES IN ANY EVENT.

5. EMBASSY WILL MEET AGAIN WITH OFFICIALS OF MFA CONSULAR DEPT IN MID-JANUARY TO REVIEW STATUS OF INDIVIDUAL DIVIDED FAMILY CASES. EMBASSY AT THAT TIME WILL ATTEMPT TO REACH AGREEMENT ON PROCESSING PROCEDURES FOR NEW DIVIDED FAMILY CASES, ALERTING MFA WHEN NEW CASE IS TO BE SUBMITTED BEFORE PROCESSING BEGINS WITH MINISTRY OF INTERNAL AFFAIRS. SINCE MFA MORE SENSITIVE TO POLITICAL CONCERN THAN IS MIA, THIS SEEM S DESIRABLE PROCEDURE (ONCE MIA TURNS DOWN A CASE, REVIVING IT BECOMES A VERY DIFFICULT MATTER).

6. REQUEST DEPT RESPONSES ON LEGAL POINTS IN EARLY JANUARY TO ALLOW EMBASSY PREPARATION FOR MEETING WITH MFA.
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